

SECOND REGULAR SESSION

HOUSE BILL NO. 1245

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE REINHART.

Pre-filed December 14, 2001, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

3421L.01I

AN ACT

To repeal sections 569.020, 569.030, and 570.030, RSMo, and to enact in lieu thereof three new sections relating to theft of vehicles containing children, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 569.020, 569.030, and 570.030, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 569.020, 569.030, and 570.030, to read as follows:

569.020. 1. A person commits the crime of robbery in the first degree when he forcibly steals property and in the course thereof he, or another participant in the crime,

(1) Causes serious physical injury to any person; or

(2) Is armed with a deadly weapon; or

(3) Uses or threatens the immediate use of a dangerous instrument against any person;

or

(4) Displays or threatens the use of what appears to be a deadly weapon or dangerous instrument.

2. Robbery in the first degree is a class A felony, **but notwithstanding any other provision of law, a person convicted pursuant to this section shall not be eligible for suspended execution of sentence, probation, parole, or conditional release until having served a minimum of five years imprisonment if the property taken was a vehicle and if the vehicle had a child in it at the time it was taken.**

569.030. 1. A person commits the crime of robbery in the second degree when he forcibly steals property.

2. Robbery in the second degree is a class B felony, **but notwithstanding any other provision of law, a person convicted pursuant to this section shall not be eligible for**

5 **suspended execution of sentence, probation, parole, or conditional release until having**
6 **served a minimum of five years imprisonment if the property taken was a vehicle and if the**
7 **vehicle had a child in it at the time it was taken.**

570.030. 1. A person commits the crime of stealing if he or she appropriates property
2 or services of another with the purpose to deprive him or her thereof, either without his or her
3 consent or by means of deceit or coercion.

4 2. Evidence of the following is admissible in any criminal prosecution under this section
5 on the issue of the requisite knowledge or belief of the alleged stealer:

6 (1) That he or she failed or refused to pay for property or services of a hotel, restaurant,
7 inn or boardinghouse;

8 (2) That he or she gave in payment for property or services of a hotel, restaurant, inn or
9 boardinghouse a check or negotiable paper on which payment was refused;

10 (3) That he or she left the hotel, restaurant, inn or boardinghouse with the intent to not
11 pay for property or services;

12 (4) That he or she surreptitiously removed or attempted to remove his or her baggage
13 from a hotel, inn or boardinghouse.

14 3. Stealing is a class C felony if:

15 (1) The value of the property or services appropriated is seven hundred fifty dollars or
16 more; or

17 (2) The actor physically takes the property appropriated from the person of the victim;
18 or

19 (3) The property appropriated consists of:

20 (a) Any motor vehicle, watercraft or aircraft; or

21 (b) Any will or unrecorded deed affecting real property; or

22 (c) Any credit card or letter of credit; or

23 (d) Any firearms; or

24 (e) A United States national flag designed, intended and used for display on buildings
25 or stationary flagstaffs in the open; or

26 (f) Any original copy of an act, bill or resolution, introduced or acted upon by the
27 legislature of the state of Missouri; or

28 (g) Any pleading, notice, judgment or any other record or entry of any court of this state,
29 any other state or of the United States; or

30 (h) Any book of registration or list of voters required by chapter 115, RSMo; or

31 (i) Any animal of the species of horse, mule, ass, cattle, swine, sheep, or goat; or

32 (j) Live fish raised for commercial sale with a value of seventy-five dollars; or

33 (k) Any controlled substance as defined by section 195.010, RSMo.

34 4. If an actor appropriates any material with a value less than one hundred fifty dollars
35 in violation of this section with the intent to use such material to manufacture, compound,
36 produce, prepare, test or analyze amphetamine or methamphetamine or any of their analogues,
37 then such violation is a class D felony. The theft of any amount of anhydrous ammonia or liquid
38 nitrogen, or any attempt to steal any amount of anhydrous ammonia or liquid nitrogen, is a class
39 C felony. The theft of any amount of anhydrous ammonia by appropriation of a tank truck, tank
40 trailer, rail tank car, bulk storage tank, field (nurse) tank or field applicator is a class A felony.

41 5. The theft of any item of property or services under subsection 3 of this section which
42 exceeds seven hundred fifty dollars may be considered a separate felony and may be charged in
43 separate counts.

44 6. Any person with a prior conviction of paragraph (i) of subdivision (3) of subsection
45 3 of this section and who violates the provisions of paragraph (i) of subdivision (3) of subsection
46 3 of this section when the value of the animal or animals stolen exceeds three thousand dollars
47 is guilty of a class B felony.

48 7. Any violation of this section for which no other penalty is specified in this section is
49 a class A misdemeanor.

50 **8. Notwithstanding any other provision of law, a person convicted pursuant to**
51 **subsection 3 of this section shall not be eligible for suspended execution of sentence,**
52 **probation, parole, or conditional release until having served a minimum of five years**
53 **imprisonment if the property taken was a vehicle and if the vehicle had a child in it at the**
54 **time it was taken.**